

ASSEMBLY BILL

No. 1613

Introduced by Assembly Member Washington

February 23, 2001

An act to amend Section 14602.6 of the Vehicle Code, relating to driver's licenses.

LEGISLATIVE COUNSEL'S DIGEST

AB 1613, as introduced, Washington. Vehicle forfeiture: storage.

Existing law authorizes a peace officer to either immediately arrest a person and cause the removal and seizure of the vehicle he or she was operating or, if the vehicle is involved in a traffic collision, cause the removal and seizure of the vehicle, without the necessity of arresting the person, if the peace officer determines that the person was driving the vehicle while his or her driving privilege was suspended or revoked or without having been issued a license. Existing law requires the vehicle to be impounded for 30 days, but allows for the vehicle to be released prior to the end of that 30 days, among other things, where the suspension or revocation was not ordered by the court for certain offenses or by the Department of Motor Vehicles based on certain convictions.

The bill would instead provide that a peace officer is authorized to either immediately arrest a person and cause the removal and seizure of the vehicle he or she was operating or, if the vehicle is involved in a traffic collision, cause the removal and seizure of the vehicle, without the necessity of arresting the person, if the peace officer determines that the person was driving the vehicle while his or her driving privilege was ordered suspended or revoked by the court for certain offenses or by the Department of Motor Vehicles based on certain convictions. The bill

would delete the exception permitting the release of the vehicle prior to the end of the 30 days for suspended and revoked driver's licenses based on certain convictions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14602.6 of the Vehicle Code is amended
2 to read:

3 14602.6. (a) Whenever a peace officer determines that a
4 person was driving a vehicle while his or her driving privilege was
5 suspended or revoked ~~or without ever having been issued a license~~
6 *for an offense included in Article 2 (commencing with Section*
7 *13200) of Chapter 3 or Article 3 (commencing with Section 13350)*
8 *of Chapter 2*, the peace officer may either immediately arrest that
9 person and cause the removal and seizure of that vehicle or, if the
10 vehicle is involved in a traffic collision, cause the removal and
11 seizure of the vehicle, without the necessity of arresting the person
12 in accordance with Chapter 10 (commencing with Section 22650)
13 of Division 11. A vehicle so impounded shall be impounded for 30
14 days.

15 The impounding agency, within two working days of
16 impoundment, shall send a notice by certified mail, return receipt
17 requested, to the legal owner of the vehicle, at the address obtained
18 from the department, informing the owner that the vehicle has
19 been impounded. Failure to notify the legal owner within two
20 working days shall prohibit the impounding agency from charging
21 for more than 15 days' impoundment when the legal owner
22 redeems the impounded vehicle.

23 (b) The registered and legal owner of a vehicle that is removed
24 and seized under subdivision (a) or their agents shall be provided
25 the opportunity for a storage hearing to determine the validity of,
26 or consider any mitigating circumstances attendant to, the storage,
27 in accordance with Section 22852.

28 (c) Any period in which a vehicle is subjected to storage under
29 this section shall be included as part of the period of impoundment
30 ordered by the court under subdivision (a) of Section 14602.5.



1 (d) (1) An impounding agency shall release a vehicle to the
2 registered owner or his or her agent prior to the end of 30 days'
3 impoundment under any of the following circumstances:

4 (A) When the vehicle is a stolen vehicle.

5 (B) When the vehicle is subject to bailment and is driven by an
6 unlicensed employee of a business establishment, including a
7 parking service or repair garage.

8 ~~(C) When the license of the driver was suspended or revoked~~
9 ~~for an offense other than those included in Article 2 (commencing~~
10 ~~with Section 13200) of Chapter 2 of Division 6 or Article 3~~
11 ~~(commencing with Section 13350) of Chapter 2 of Division 6.~~

12 (2) No vehicle ~~shall~~ *may* be released pursuant to this
13 subdivision; except upon presentation of the registered owner's or
14 agent's currently valid driver's license to operate the vehicle and
15 proof of current vehicle registration, or upon order of a court.

16 (e) The registered owner or his or her agent is responsible for
17 all towing and storage charges related to the impoundment, and
18 any administrative charges authorized under Section 22850.5.

19 (f) A vehicle removed and seized under subdivision (a) shall be
20 released to the legal owner of the vehicle or the legal owner's agent
21 prior to the end of 30 days' impoundment if all of the following
22 conditions are met:

23 (1) The legal owner is a motor vehicle dealer, bank, credit
24 union, acceptance corporation, or other licensed financial
25 institution legally operating in this state or is another person, not
26 the registered owner, holding a security interest in the vehicle.

27 (2) The legal owner or the legal owner's agent pays all towing
28 and storage fees related to the seizure of the vehicle. No lien sale
29 processing fees ~~shall~~ *may* be charged to the legal owner who
30 redeems the vehicle prior to the fifteenth day of impoundment.

31 (3) The legal owner or the legal owner's agent presents
32 foreclosure documents or an affidavit of repossession for the
33 vehicle. The foreclosure documents or affidavit of repossession
34 may be originals, photocopies, or facsimile copies, or may be
35 transmitted electronically.

36 (g) (1) A legal owner or the legal owner's agent that obtains
37 release of the vehicle pursuant to subdivision (f) ~~shall~~ *may* not
38 release the vehicle to the registered owner of the vehicle or any
39 agents of the registered owner, unless the registered owner is a

1 rental car agency, until after the termination of the 30-day
2 impoundment period.

3 (2) The legal owner or the legal owner's agent ~~shall~~ *may* not
4 relinquish the vehicle to the registered owner until the registered
5 owner or that owner's agent presents his or her valid driver's
6 license or valid temporary driver's license to the legal owner or the
7 legal owner's agent. The legal owner or the legal owner's agent
8 shall make every reasonable effort to ensure that the license
9 presented is valid.

10 (3) Prior to relinquishing the vehicle, the legal owner may
11 require the registered owner to pay all towing and storage charges
12 related to the impoundment and any administrative charges
13 authorized under Section 22850.5 that were incurred by the legal
14 owner in connection with obtaining custody of the vehicle.

15 (h) (1) A vehicle removed and seized under subdivision (a)
16 shall be released to a rental car agency prior to the end of 30 days'
17 impoundment if the agency is either the legal owner or registered
18 owner of the vehicle and the agency pays all towing and storage
19 fees related to the seizure of the vehicle.

20 (2) The owner of a rental vehicle that was seized under this
21 section may continue to rent the vehicle upon recovery of the
22 vehicle. However, the rental car agency ~~shall~~ *may* not rent another
23 vehicle to the driver of the vehicle that was seized until 30 days
24 after the date that the vehicle was seized.

25 (3) The rental car agency may require the person to whom the
26 vehicle was rented to pay all towing and storage charges related to
27 the impoundment and any administrative charges authorized
28 under Section 22850.5 that were incurred by the rental car agency
29 in connection with obtaining custody of the vehicle.

30 (i) Notwithstanding any other provision of this section, the
31 registered owner and not the legal owner shall remain responsible
32 for any towing and storage charges related to the impoundment,
33 any administrative charges authorized under Section 22850.5, and
34 any parking fines, penalties, and administrative fees incurred by
35 the registered owner.

